

Director's Agenda

Rachel Brown
Mineral Lease Analyst
December 6, 2011

DIRECTOR'S OFFICE

Approve _____
Director _____
Date _____


Richard J. Buehler


12/8/11


WITHDRAWAL 9900006

WITHDRAWAL OF UTAH LAKE FROM LEASING AND PERMITTING FOR PRIVATE, NON-COMMERCIAL BOAT DOCKS AND SIMILAR STRUCTURES

In 2007 the Utah Lake Commission and the Division of Forestry, Fire and State Lands (Division), initiated the planning process to develop a comprehensive management plan for Utah Lake. On June 26, 2009 a Record of Decision (ROD Number 09-0615-95000002) was signed by the Director of the Division approving the final Utah Lake Comprehensive Management Plan, also known as the Utah Lake Master Plan for Utah Lake (PLAN). In June 2011, the Division received an application for the installation of a private, non-commercial boat dock along the northwestern shore of Utah Lake. This was the first such official application for a private boat dock on Utah Lake received by the Division since the PLAN was completed. As part of the application review process, the PLAN was consulted for guidance concerning the permitting of boat docks, piers and similar structures for private use by an adjacent, upland, residential landowner. The review of the PLAN revealed that it lacked detailed analysis and direction concerning this issue and, as a result, the Division has decided to amend the PLAN.

As a part of the PLAN amendment process, the Division proposes to initiate a withdrawal of sovereign lands from the permitting of private, non-commercial boat docks, piers, and similar structures on the sovereign lands of Utah Lake while the PLAN amendment process is undertaken. **The withdrawal is retroactively effective beginning December 1, 2011** and will be in effect until the Division has issued a final decision and amended the PLAN, or for a period of nine (9) months, whichever is less, unless extended by the Director. The Division has determined that it is in the best interest of the public trust resource to take this action. This will ensure that future development and use of the lake is not burdened by activities that may be authorized without the benefit of further analysis. This withdrawal only applies to the permitting of private, non-commercial boat docks and similar structures; applications for other uses of sovereign lands on Utah Lake will be continue to be considered by the Division in accordance with applicable statutes and rules.

Members of the Division's Advisory Council concurred with the Division's request for the withdrawal and PLAN amendment in a vote on November 21, 2011. The Utah Lake Commission Technical Advisory Committee has also expressed support for the Division's decision to amend the PLAN and institute a withdrawal and will assist the Division with the amendment process.

Richard J. Buehler, Division Director, approved the withdrawal of sovereign land on Utah Lake from permitting of private, non-commercial boat docks, piers, and similar structures pending the final decision/PLAN amendment by the Division or for a period of nine (9) months, whichever is less, unless extended by the Director.